

DLA PIPER LLP (US)
1251 Avenue of the Americas
New York, New York 10020
(212) 335-4500 (Telephone)
(212) 335-4501 (Facsimile)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
FRED SPAGNOLA, individually and on
behalf of all those similarly situated

Plaintiff,

-against-

06 Civ. 9960 (HB)

THE CHUBB CORPORATION, FEDERAL
INSURANCE COMPANY, GREAT
NORTHERN INSURANCE COMPANY,
JOHN D. FINNEGAN and THOMAS F.
MOTAMED,

Defendants.

-----X
JONATHAN A. BERNSTEIN, individually
and on behalf of all those similarly situated,

Plaintiff,

-against-

08 Civ. 00193 (HB)

THE CHUBB CORPORATION, FEDERAL
INSURANCE COMPANY, GREAT
NORTHERN INSURANCE COMPANY,
JOHN D. FINNEGAN and THOMAS F.
MOTAMED,

**DECLARATION OF
RACHEL A. GUPTA
IN SUPPORT OF THE
DEFENDANTS' MOTION TO
DISMISS THE COMPLAINTS**

Defendants.

-----X

RACHEL A. GUPTA, pursuant to 28 U.S.C. § 1746, declares as follows:

1. I am an attorney representing the defendants in the above-captioned lawsuit. I make the following declaration in support of the defendants' Motion to Dismiss the Complaints pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.

2. Attached as Exhibit 1 is a true and correct copy of the First Amended Federal Complaint filed in the Spagnola action captioned above.

3. Attached as Exhibit 2 is a true and correct copy of the Complaint filed in the Bernstein action captioned above.

4. Attached as Exhibit 3 is a true and correct copy of the homeowners' insurance policy of Fred Spagnola issued by Great Northern Insurance Company for the year 2001, bearing Bates numbers DEF.00218-00264.

5. Attached as Exhibit 4 is a true and correct copy of the homeowner's policy for Jonathan Bernstein's Park Avenue cooperative issued by Great Northern Insurance Company for the year 1988, bearing Bates numbers DEF.02397-02444.

6. Attached as Exhibits 5 is a true and correct copy of the homeowner's policy for Jonathan Bernstein's East Hampton, New York house issued by Great Northern Insurance Company for the year 1999, bearing Bates numbers DEF.02739-02770.

7. Attached as Exhibit 6 is a true and correct copy of the March 27, 2007 Opinion and Order of the Honorable Harold Baer, Jr. granting the Defendants' Motion to Dismiss the First Amended Federal Complaint.

8. Attached as Exhibit 7 is a true and correct copy of a February 4, 2008 letter from DLA Piper to the Honorable Harold Baer, Jr. which was endorsed by the Court on February 6, 2008.

9. Attached as Exhibit 8 is a true and correct copy of the Opinion of Circuit Judges Walker, Katzman and John R. Gibson of the United States Court of Appeals for the Second Circuit, in the matter of Spagnola v. Chubb, et al., dated July 28, 2009.

10. Attached as Exhibit 9 is a true and correct copy of a November 5, 2009 email from my colleague and counsel for the defendants, Sara Z. Moghadam, to plaintiffs' counsel agreeing to accept service on behalf of the individual defendants for discovery purposes.

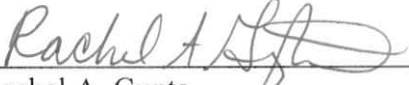
11. Attached as Exhibit 10 is a true and correct copy of e-mail correspondence between counsel for defendants and plaintiffs' counsel relating to a proposed stipulation of dismissal.

12. Attached as Exhibit 11 is a true and correct copy of Exhibit 21 to The Chubb Corporation's Form 10-K dated March 15, 2005.

13. Attached as Exhibit 12 is a true and correct copy of Exhibit 21 to The Chubb Corporation's Form 10-K dated March 2, 2009.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
November 30, 2009



Rachel A. Gupta
DLA PIPER US LLP
1251 Avenue of the Americas
New York, New York 10020
(212) 335-4500 (Telephone)
(212) 335-4501 (Facsimile)
rachel.gupta@dlapiper.com